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August 8, 2023

Via ECF

The Honorable Katherine Polk Failla, U.S. District Judge
U.S. District Court, Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

Re: Letter Motion Requesting Adjournment of Initial Conference
Case: *Choinski v. Brown Meadow, Inc., et al.*
Case No.: 22-cv-01058 (KPF)

Dear Judge Failla,

MEMO ENDORSED

This firm represents Defendants, Brown Meadow, Inc., The Irreplaceable Artifacts Company Inc., and Evan Blum (collectively, the “Defendants”), in the above-referenced case. Having conferred with plaintiff’s counsel, Robert Wisniewski, Esq., as required by the Court’s July 27, 2023 Order, we write to jointly request a two (2) week adjournment of the conference, currently scheduled for August 15, 2023, until August 29, 2023 or as soon thereafter as is convenient for the Court. We also jointly request an adjournment of the corresponding due date for submitting the Proposed Civil Case Management Plan, Scheduling Order and joint status letter, currently due on August 10, 2023, until August 24, 2023.

We respectfully jointly submit this request in order to provide the parties time to finalize the necessary written settlement documents for review and execution by the parties. As previously advised, the Plaintiff is presently out of the jurisdiction with limited access to the internet and will require a few days to receive, execute, scan and return executed copies of the settlement documents.

This is the first request for the relief requested above, however, it is noted that this is the fourth request for an extension of time to finalize and submit executed settlement documents along with the required Cheeks motion to this Court. The three previous requests for an extension of time were granted and there is no prejudice to any party.

Wherefore, as we believe the parties have been able to reach agreement as to the settlement initially discussed at the mediation conference, which upon execution of the finalized settlement documents would moot the need for the above-referenced conference, the parties respectfully request that the conference scheduled for August 15, 2023 be adjourned for two (2) weeks until August 29, 2023, or as soon thereafter as is convenient for the

Court, to afford the parties time to finalize the written settlement documents and file the requisite Cheeks motion.

We thank the Court for its time and consideration.

Respectfully submitted,
FORCHELLI DEEGAN TERRANA LLP
By:/s/ Frank Brennan
Frank W. Brennan, Esq.

Cc: Plaintiff's Counsel (via ECF)

Application GRANTED. The initial pretrial conference currently scheduled for August 15, 2023, is hereby ADJOURNED to **August 30, 2023, at 12:00 p.m.** The pre-conference submissions are accordingly due on or before **August 24, 2023**.

To the extent the parties have indeed reached a settlement agreement, they are instructed to file Cheeks briefing on or before August 24, 2023, in lieu of the pre-conference papers, and to request that the Court adjourn the initial pretrial conference *sine die*.

The Clerk of Court is directed to terminate the pending motion at docket number 48.

Dated: August 10, 2023 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE